

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA

v.

CHARLES R. SEALS

CAUSE NO.: 1:13-CR-89-HAB

OPINION AND ORDER

Defendant Charles Seals (“Seals”) received a 228-month sentence following his guilty plea to armed bank robbery (Judgment, ECF No. 160). Since then, Seals has unsuccessfully appealed his conviction and sentence (ECF No. 161), requested post-conviction relief pursuant to 28 U.S.C. §2255 (ECF No. 176), sought compassionate release four times (ECF Nos. 188, 190, 192, 204), appealed again (ECF No. 212), and now filed a letter captioned “The power to Vacate Sentences Opptanbound through Fraud United States v. Erlinger” (all sic) (ECF No. 215). Following the Court’s review of this latest filing, the Court construes it as a successive request to challenge his sentence pursuant to 28 U.S.C. §2255 on the basis of the Supreme Court’s decision in *Erlinger v. United States*, 602 U.S. 821 (2024).

Title 28 U.S.C. § 2255(h)(1) provides:

(h) A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense

28 U.S.C. §2255(h)(1).

Based on the plain language above, only the Court of Appeals is vested with the authority to allow the filing of a second or successive 2255 petition. Likewise, Rule 9 of the Rules Governing

Section 2255 Proceedings plainly states: “before presenting a second or successive motion, the moving party must obtain an order from the appropriate court of appeals authorizing the district court to consider the motion, as required by 28 U.S.C. 2255, para. 8.” Having already pursued (unsuccessfully) one 2255 petition in this Court, Seals must get authorization for a second or successive § 2255 petition from the Court of Appeals for the Seventh Circuit before he may file such a petition here. Accordingly, at present, Defendant’s letter, which the Court has construed as a successive petition under 28 U.S.C. §2255 (ECF No. 215) is STRICKEN as this Court lacks jurisdiction to consider it.

SO ORDERED on February 27, 2025.

s/ Holly A. Brady
CHIEF JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT